

## **REMARKS**

The Examiner has rejected all claims of the present application, asserting them to be obvious and unpatentable primarily over Kraft, U.S. Patent No. 4,978,305 in view of Poor, U.S. Patent No. 5,672,060. Additional references were combined with Kraft and Poor with respect to claims 13, 17 and 18. Applicant respectfully traverses the rejections.

The present invention is directed to a new and improved method for establishing an interactive student support system, in which gradable materials, such as tests, are reviewed and graded by an educator in a manner in which comments and notes and the like, collectively referred to as "review data", are placed upon the original gradable document in a machine-readable format. The gradable material and the review data placed thereon are then captured and stored in an image format, whereby the captured document is then made available for controlled access and viewing. The present invention allows the original, graded document to be returned to the student for review, further modification, and the like, while the stored electronic image, which duplicates and thus preserves both the original gradable document and the teacher's markings thereon, is available for archiving retention, as well as being accessible, separate and apart from the original document, by the student and authorized interested individuals, such as the student's parents, the teacher or another faculty member or school administrator. The prior art cited by the Examiner does not provide or suggest such a methodology.

The primary Kraft '305 patent discloses a methodology for allowing the scoring of test materials, and particularly essays, where judgment grading is required, by a plurality of scorers. In fact, the purpose of the Kraft patent is to allow the scoring capabilities of a plurality of scorers to be monitored and compared for quality assurance purposes.

As distinguished from the present invention, none of the Kraft scorers apply a grade or other review data directly to the essay before them. Indeed, such a step is directly contrary to the purposes of Kraft, as it would allow a subsequent scorer to see the grade previously given to the essay, thereby potentially influencing the subsequent scorer's reaction. Thus, each scorer enters his or her score into a personal "sensing device". Also entered into the sensing device is the identification number of the examinee. It is to be specifically noted that the only score data that can be entered into the scoring device by the scorer is "a scan of the bar code representing the selected grade from the reader's essay scoring card." Kraft Column 9, lines 54-59. Periodically the data from the sensing device is downloaded to a computer facility for processing. This processing is accomplished independently of the original essay, and there is no disclosure or suggestion whatsoever in Kraft that the score or other review data is at any time placed on the essay or gradable material as is required by the present invention. As recognized by the Examiner, Kraft also does not provide for scoring of the essay at any time.

The secondary Poor '060 patent also is primarily directed to a system which allows the grading or scoring of an essay by multiple graders in a manner that the grading process is independent. While Poor does teach the capture and storing of an image of graded material, and providing controlled access to the image, it also fails to provide any teaching or suggestion that the assessed grade, or other review data, is applied to the gradable material, much less the original graded material as provided for in the present invention. Poor specifically states that "there are three major methods by which scorers could record their scores: on forms which are not machine-readable, on machine-readable forms, or directly on the computers on which the images are displayed." None of those options encompass "entering teacher-generated review data upon the gradable material" as required by the present invention. It is further to be noted that it is only after the information is applied to the gradable material that the gradable material is scanned to create an electronic image. Once again, as Poor is intended to allow review and grading by a plurality of independent graders, the application of a grade or review notes of any kind to the original gradable item would be unacceptable and thus cannot be within the suggestion or contemplation of Poor.

Accordingly, the combination of Kraft and Poor fails to disclose or teach the required steps of the present methodology, and neither Kraft nor Poor provide any suggestion of such steps, namely the placement of review data on the gradable document, followed by imaging of the graded document. It is only with the hindsight of the present invention that the references can in any way be associated with the steps of the present invention, and such is not a proper grounds for an obvious determination.

Accordingly, withdrawal of the rejections and passage to allowance is solicited.

Respectfully submitted,

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